

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2018-258-E**

**IN RE:**

**Charles Hawkins,**  
**Complainant/Petitioner,**

**v.**

**Duke Energy Carolinas, LLC,**  
**Defendant/Respondent.**

**Duke Energy Carolinas, LLC's**  
**Motion to Dismiss**  
**(Public)**

Pursuant to S.C. Code Ann. § 58-27-1990, S.C. Code Ann. Regs. 103-829 and 103-352, and applicable South Carolina law, respondent, Duke Energy Carolinas, LLC (“DEC” or the “Company”) hereby moves the Public Service Commission of South Carolina (the “Commission”) to dismiss the above-captioned matter on the merits because it fails to adequately allege any violation of an applicable statute or regulation with respect to DEC’s handling of Complainant’s account,<sup>1</sup> and a hearing in this case is not necessary for the protection of substantial rights. The Company also requests confidential treatment of customer-specific information contained in Exhibits B and C, in addition to certain confidential, customer-specific information redacted herein. An unredacted version is being filed herewith under seal. Finally, the Company requests that the Commission hold in abeyance the filing deadlines for all parties

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<sup>1</sup> [REDACTED]

and the hearing date until this motion is resolved. In support of its motion, DEC shows the following:

**BACKGROUND**

In November 2006, Complainant established electric service with DEC at [REDACTED]

[REDACTED] in Greenville, SC.<sup>2</sup> [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] Also on June 4, 2018, he filed a complaint with the South Carolina Office of Regulatory Staff (“ORS”) claiming that his meter was malfunctioning and producing high bills. DEC tested Complainant’s meter on June 6, 2018 and found that the meter was operating within the accepted parameters set forth by the Commission.<sup>3</sup>

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<sup>2</sup> The facts set forth in this motion are supported by the hereto appended affidavit of Ted Allen, Senior Consumer Affairs Specialist at DEC. *See* Exhibit A.

<sup>3</sup> The meter test results were as follows: full load, 99.93 percent; light load 100.00 percent. *See* Exhibit B.

[REDACTED]

<sup>4</sup> [REDACTED]

<sup>5</sup> As a result of Complainant filing this Complaint, DEC has not disconnected service on the account pending the resolution of the Complaint.

████████ Confidential Exhibit C to this motion shows the three-year billing and payment history associated with Complainant's account.<sup>6</sup>

## ARGUMENT

DEC requests that the Complaint be dismissed pursuant to S.C. Code Ann. § 58-27-1990, which allows the Commission to dismiss a complaint if it determines that “a hearing is not necessary in the public interest or for the protection of substantial rights.” Complainant fails to allege any violation of an applicable statute or regulation with respect to DEC’s billing or handling of his account. S.C. Code Ann. Regs. 103-342(g) provides that service may be discontinued “[f]or nonpayment of bill for service rendered provided that the electrical utility has made reasonable efforts to effect collection and has complied with the provisions of regulation 103-352.” [REDACTED]

the Company maintains that such disconnection would be proper given these facts and compliance with S.C. Code Ann. Regs. 103-352.

Furthermore, Mr. Hawkins' billing records show that the Company is charging the appropriate tariff rate approved by the Commission for the registered usage, and Mr. Hawkins' meter has been tested and found compliant with the Commission's regulations. DEC respectfully requests that the Complaint be dismissed because it fails to

<sup>6</sup> The Company respectfully requests confidential treatment of Exhibit C, which contains customer-specific account information.

adequately allege any violation of an applicable statute or regulation with respect to DEC's handling of Mr. Hawkins' account. Consistent with S.C. Code Ann. § 58-27-1990, a hearing is not necessary for the protection of substantial rights in this case.

### CONCLUSION

[REDACTED]

[REDACTED] Complainant fails to adequately allege any violation of an applicable statute or regulation with respect to DEC's handling of Complainant's account, and a hearing in this case is not necessary for the protection of substantial rights. Therefore, this matter should be dismissed.

WHEREFORE, DEC moves the Commission to dismiss the Complaint with prejudice; grant confidential treatment of customer-specific information contained in Exhibits B and C, in addition to certain customer-specific information contained herein; and hold the testimony deadlines for all parties and the hearing in abeyance pending resolution of this motion; and requests such other relief as the Commission deems just and proper.

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Attorneys for Duke Energy Carolinas, LLC

Columbia, South Carolina  
August 23, 2018

Exhibit A

**AFFIDAVIT**

I, Ted Allen, am Senior Consumer Affairs Specialist for Duke Energy Carolinas, LLC. I am responsible for responding to customer inquiries, including those directed to the South Carolina Office of Regulatory Staff ("ORS"). I have reviewed the documents received and maintained in the ordinary course of business by Duke Energy Carolinas for Mr. Hawkins, and I am familiar with the records of Duke Energy Carolinas that pertain to Mr. Hawkins' electric service account.

I am personally knowledgeable as to the records and information discussed in the attached motion to dismiss, I know them to be true of my own knowledge or I have gained knowledge of them from the records of Duke Energy Carolinas, which are maintained in the ordinary course of business by Duke Energy Carolinas.

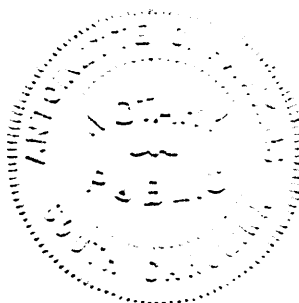
I, Ted Allen, first being duly sworn upon oath, depose and say that I am authorized to represent Duke Energy Carolinas, that I have read the above motion to dismiss and know the contents; that the contents are true and correct to the best of my knowledge and belief.

Duke Energy Carolinas, LLC



Ted Allen, Senior Consumer Affairs Specialist

Subscribed and sworn to before me this  
22<sup>nd</sup> day of August, 2018  
Antoinette C. Hawkins  
 Print Notary Name: Antoinette C. Hawkins  
 Notary Public for South Carolina  
 My Commission Expires: 2/1/2022



Order Num: FWR1298855051-00 Job Code: TM Status Left: TESTMTR

Job Code Description: Customer Requested Meter Test

Order Instr: AMI OPENWAY METER C2M [REDACTED]  
CUST IS CHARLES HAWKINS. CUST ADMITS HOT WATER HEATER IS BAD  
AND [REDACTED]. AGREED TO TEST BETWEEN 1-2

Address: [REDACTED] City: GREENVILLE Completed Date: 6/6/2018 2:30:14 PM

Customer: CHARLES L HAWKINS User ID: [REDACTED] Account Num: [REDACTED]

Dispatch Area: Travlrs Rest-South - Meter Tech Jurisdiction: DEC

Comments: FL 99.93 LL100.00 WA99.95, no problem found, talked with customer

Existing Information		New Information		Model
Meter Num:	080842611		New ERT ID:	Meter Test
Meter Type:	C2M		New ERT Type:	
Bill Constant:	1		Mtr Volt Code:	03
KWH Reading:	21887		Reg Function Code:	
Kw Reading:			Nearest Mtr Num:	
Master KWH:			Meter Location:	003
ERT Mod Read:				
Mast Demand:				
Summer KWH:			Send To Eng:	
Summer Dmd:			Send To Load Research:	
Winter KWH:				
Winter Dmd:				
Off Peak Dmd:				
VARS Lag:				
VARS Lead:				
CT Ratio:		: 5		: 5
VT Ratio:				
Meter Prog ID:				
Meter Scalar:				
Load Research:				
Meter Phone:				



Exhibit C

CONFIDENTIAL, CUSTOMER INFORMATION  
FILED UNDER SEAL